

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**SUNNINGDALE MANAGEMENT GROUP, LTD**

**and**

**Case 28-CA-198874**

**GONZALO PACHECO GUZMAN**

**CORRECTED ORDER<sup>1</sup>**

The Employer's petition to revoke subpoena duces tecum B-1-XMWNIX is denied.<sup>2</sup> The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Employer has failed to establish any other legal basis for revoking the subpoena. See generally, *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., April 20, 2018.

LAUREN McFERRAN,	MEMBER
MARVIN E. KAPLAN,	MEMBER
WILLIAM J. EMANUEL,	MEMBER

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<sup>1</sup> The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

<sup>2</sup> Item No. 5 of the subpoena requests copies of I-9 forms (Employment Eligibility Verification) submitted by the Employer's employees during a 5-year period, Member Emanuel notes that federal law does not obligate an employer to retain I-9 forms for longer than 3 years after an employee's date of hire or 1 year after separation, whichever is longer. Nevertheless, Member Emanuel joins his colleagues in denying the petition to revoke. He observes that if the Employer has in fact discarded I-9 forms that it is no longer legally obligated to retain, it may simply respond to any request for information that encompasses those forms by stating that it no longer possesses them, and refer the Region to the pertinent federal immigration regulation.